

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.4616 of 2019 (O&M)
Date of Decision: 19.03.2019**

Pardeep Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioner in case FIR No.160 dated 14.04.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 61, 85 of the NDPS Act and Section 411, IPC added later on), registered at Police Station Civil Lines, District Police Commissionerate Amritsar, Amritsar.

As per the prosecution version, on 14.04.2018, when police party was present at T-Point, Housing Board Quarter Ranjit Avenue, Amritsar on patrolling, then they noticed two riders on a motorcycle make Hero Honda Splendor colour black with light grey line. The police party signalled them to stop their vehicle, but they got perplexed and tried to turn back the same and threw one each polythene bags from right pockets of their trousers, but

they were apprehended by the police officials and disclosed their names as Pardeep Singh @ Sonu (petitioner) and Mukesh Kumar @ Kaka. Recovery of 350 intoxicant tablets was effected from petitioner-Pardeep Singh @ Sonu, whereas 500 intoxicant tablets from his co-accused i.e. Mukesh Kumar @ Kaka.

Contends that petitioner is in custody since 14.04.2018 and the case is fixed for prosecution evidence before learned trial Court for 29.04.2019. Also contends that there are total 13 prosecution witnesses and none of them has been examined, therefore, trial will take a long time for its conclusion. Further contends that recovery of the alleged contraband is non-commercial.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Mohinder Singh.

Heard both sides and perused the paper-book.

Keeping in view the facts that recovery of the alleged contraband is non-commercial; investigation is already over; petitioner is in custody since 14.04.2018; there are total 13 prosecution witnesses and out of them, none has been examined, thus, trial is likely to take a long time for its conclusion, therefore, this Court deems it appropriate to release the petitioner on bail, pending trial.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is made clear that in case there is recurrence on the part of the petitioner, the prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

The above observations may not be construed as an expression of opinion on the merits of the case.

March 19, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>